

**DECLARATION OF
KENNETH E. McCLOUD**

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1. I, Kenneth E. McCloud, am employed by the United States Department of the Interior, Fish and Wildlife Service, Division of Law Enforcement in the position of Special Agent/Criminal Investigator. I have been employed with the U.S. Fish and Wildlife Service, Division of Law Enforcement, in various positions since May of 1977. One of my areas of expertise is herpetology and the commercial reptile trade. For the U.S. Fish and Wildlife Service, I am known as the Law Enforcement Division's reptile trade expert. I have worked numerous reptile-related, undercover investigations domestically and internationally, written reptile identification guides, and taught reptile identification and the illegal reptile trade at the Federal Law Enforcement Training Center in Georgia. I began working deep undercover, long-term complex live reptile investigations as early as 1979.

2. The Fly River Turtle is a monotypic genus that is only indigenous to Indonesia, Papua New Guinea and a very small population in Australia. The Fly River Turtle has been fully protected and prohibited from export from Indonesia, Papua New Guinea and Australia for at least the past twenty years. *See* U.S. Fish and Wildlife Service, Office of Law Enforcement, Washington, D.C., Intelligence Record: 20059664, dated 10/23/2005; *see also* U.S. Fish and Wildlife Service, Office of Law Enforcement, Washington, D.C., Intelligence Record: 20059663, dated 10/16/2005, (stating the Fly River turtle species "occurs only in Australia, Indonesia and Papua New Guinea and all three countries ban their export.") I also recently contacted a reptile dealer in Indonesia, who has provided me with reliable information in the past and who specializes in Indonesian reptiles. He confirmed that the Fly River Turtle has been nationally protected and prohibited from export from Indonesia for the past twenty years. In 2005, the Fly River turtle was given international protection as well, when it was listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 50 Code of Regulations, Part 2.

3. To determine the fair market, retail price for the Fly River turtle back in 2004, I relied on several facts:

a. Valuation Memo written by Craig Hoover (attached hereto), who was previously employed as the Supervisory Intelligence Analyst for the U.S. Fish and Wildlife Service and is currently the Chief of the Service's Division of Management

Authority. His memo is a comprehensive study into the market value of numerous protected reptiles, including the Fly River turtle. The study determined that value of the Fly River turtle in 2001 was \$700 each. The methodology for this study included the review of hundreds of reptile dealer price lists going back 20 years in some cases, as well as interviews with zoo herpetologists and reptile dealers familiar with the species in question.

b. My own independent review of a collection of over 400 price lists. Factors used by commercial dealers to set prices for the sale of wildlife are predictable and standard throughout the commercial reptile industry. They include; color, pattern, the presence of aberrant colors or pattern, general health and weight, injuries and/or deformities (if applicable), sex, size, age, disposition and other related physical and behavioral characteristics. Documentation showing proof of legal origin can also be an important pricing factor for rare or commonly smuggled species of reptiles. Rare species are generally priced higher than more common species and prices vary over time, particularly if a species becomes more or less available on the market. Using the data from that search, I calculated the average sales price for Fly River turtles. Where the price lists were from a wide range in time, I used the price list closest in time to the offense conduct here. Based on that review, I uncovered the following prices for Fly River turtles, listed by source, date, and price. Where the sources says "Intel #," that price was obtained from a confidential informant.

SOURCE	DATE	DESCRIPTION	PRICE
Conf. Informant	2/2008	live Fly River Turtle	\$500.00
Kingsnake.com	2/2008	live Fly River Turtle	\$1,750.00
Atl. Trop. Aquarium	7/2005	live Fly River Turtle	\$500.00 each
Probation Memo	1/1999	live Fly River Turtle	\$479.00 each
Chief Craig Hoover	8/2001	live Fly River Turtle	\$700.00 each
Intel. #20059664	10/2005	live Fly River Turtle	\$500.00 each

Intel. #20059675	11/2005	live Fly River Turtle	\$500.00 each
Intel. #20059663	10/2005	live Fly River Turtle	\$285.00 each & \$600.00 each
Intel. #200493388	5/2004	live Fly River Turtle	\$700.00 each

c. Recent Internet retail sales prices for Fly River Turtles. I found one site offering a Fly River turtle for \$1,750.00 and another site offering two for sale, at \$1,600.00 each.

d. Based on the above factors, I can safely conclude that \$500/turtle is a reasonable, and, if anything, conservative estimate of the retail value of a Fly River Turtle back in 2004.

4. Based on my over 30 years of experience investigating wildlife trafficking of reptiles, I can attest that the San Francisco Bay Area is one of the centers or hubs for the illegal trade of live, protected reptiles, which are often smuggled in from the Pacific Rim.

5. In the U.S. aquarium trade, the value of Fly River Turtles can sometimes be diminished due to the turtles being kept in inappropriate enclosures. These enclosures can lead to and cause lesions and abrasions with quickly can become infected with bacteria, thus reducing their retail value. I personally inspected and cared for the Fly River turtles smuggled by Coleman Lau and found that no abrasions or lesions were yet present on these particular turtles, thus, keeping the retail value at the highest price range.

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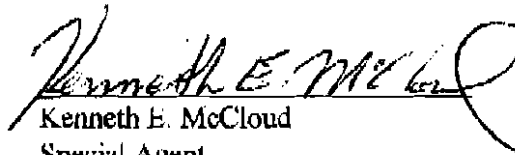
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6. Of the 14 live, juvenile Fly River turtles seized from Coleman Lau, 13 lived and are currently housed in various zoos and research institutions.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and I would so testify if called upon to do so in a Court of Law.

DATED this 14th day of February 2008.



Kenneth E. McCloud

Special Agent

U.S. Fish & Wildlife Service

Division of Law Enforcement

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VALUATION MEMO

August 6, 2001

To: Robert S. Anderson, Senior Trial Counsel, U.S. Department of Justice

From: Craig Hoover, Deputy Director, TRAFFIC North America

Re: Valuation of Reptile Species

Below is a summary of my valuation of 37 reptile species. The methodology for this valuation included the review of reptile dealer pricelists, as well as interviews of zoo herpetologists and reptile dealers familiar with the species in question.

Reptile dealer pricelists were the first and most reliable source of information to determine reptile values. I had at my disposal several hundred pricelists for U.S.-based reptile dealers, covering nearly 20 years of offers for sale. I analyzed these prices in three stages. I compiled all prices for the species in question, regardless of description of the animal or the time period of the offer, and determined an overall average price. Second, I excluded all "unique" animals, which included aberrant color variations, damaged animals, animals offered in pairs or breeding groups, and animals of exceptional size. Using these prices, I identified a second average price. In the third stage of my review, I focused on pricelists offering the species in question during the period of the investigation (January 1996 to August 1998), excluding "unique" animals. This average price should most closely match the value of the animals in question. No prices were adjusted for inflation.

However, a number of the species in question have not been found legally in trade for some time, and actual prices were few or absent altogether. For these species, I called upon the expertise of herpetologists in the zoo community, as well as reptile dealers who are familiar with the species in question. The values provided by these sources were a combination of estimates based on their experience and expertise, and actual sales, primarily of zoo surplus animals. Because most of these values were provided as a range, they are also presented as such below when actual pricelists were unavailable.

Finally, using the information described above, I used my own expertise with regard to reptile trade. This expertise is based on 4 years of experience as a wildlife trade analyst for TRAFFIC, with much of that time devoted to analysis of various aspects of reptile trade. Prior to this

position, I spent 5 years as a Wildlife Inspector with the US Fish and Wildlife Service, inspecting and reviewing documentation for hundreds of live reptile shipments. I note that there were very few instances where I found it necessary to alter a value up or down from the values compiled from outside sources.

If you have any questions regarding the information contained herein, please do not hesitate to contact me at 202-822-3452.

Summary of Values for 26 Reptile Species

1. Plowshare Tortoise (*Geochelone yniphora*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$5,000 to \$30,000, and averaged over \$14,000. Based on these figures and other information, I believe this species would easily sell for \$20,000 in the United States.

Estimate: \$20,000

2. Radiated Tortoise (*Geochelone radiata*): 43 pricelists were found to offer this species. The overall average price was \$2138. The average excluding "unique" animals was \$1148 and involved 27 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 9 pricelists and was \$1394.

Estimate: \$1400

3. Galapagos Tortoise (*Geochelone nigra*): 49 pricelists were found to offer this species. The overall average price was \$3897. The average excluding "unique" animals was \$2530 and involved 37 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 6 pricelists and was \$1625.

Estimate: \$1625

4. Indian Star Tortoise (*Geochelone elegans*): 37 pricelists were found to offer this species. The overall average price was \$603. The average excluding "unique" animals was \$594 and involved 36 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 15 pricelists and was \$503.

Estimate: \$500

5. Spider Tortoise (*Pyxis arachnoides*): This species is rarely found legally in trade. No pricelists for January 1996 to August 1998 were found for this species. One pricelist from September 2000 listed the species for sale for \$500. Using interviews of zoo personnel and reptile traders, the range of values assigned to this species was \$250 to \$1000. The average price was \$566. Though the price for this species has dropped considerably in recent years, the value during the investigation period was likely at least \$700 in the United States.

Estimate: \$700

6. Burmese Star Tortoise (*Geochelone platynota*): This species is rarely found legally in trade. No pricelists for January 1996 to August 1998 were found for this species. Using interviews of zoo personnel and reptile traders, the range of values assigned to this species was \$1000 to \$3500. The average of these estimates was \$2500, which I believe to be a reasonable estimate for this species.

Estimate: \$2500

7. Elongated Tortoise (*Geochelone elongata*): 48 pricelists were found to offer this species. The overall average price was \$91. The average excluding "unique" animals was \$84 and involved 39 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 6 pricelists and was \$115.

Estimate: \$115

8. Fly River Turtle (*Carettochelys insculpta*): 15 pricelists were found to offer this species. The overall average price was \$952. The average excluding "unique" animals was \$890 and involved 13 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 4 pricelists and was \$498. Interviews with zoo personnel and reptile dealers provided a range between \$200 and \$1000, including actual sales in 1993-94 at \$600. The average of these estimates was \$717. I believe an appropriate value for this species is approximately \$700.

Estimate: \$700

9. American Box Turtle (*Terrapene carolina*): Based on research done for *The U.S. Role in the International Live Reptile Trade: Amazon Boas to Zululand Dwarf Chameleons*, in which 236 pricelists were reviewed from 1980 to 1996, the average price for this species was found to be \$20.50 (27 pricelists). However, the single pricelist for 1996 advertised this species for \$36.

Estimate: \$35

10. Indian Softshell Turtle (*Aspideretus gangeticus*): This species is rarely found legally in trade. No pricelists for January 1996 to August 1998 were found for this species. Using interviews of zoo personnel and reptile traders, the range of values assigned to this species was \$2000 to \$3000. The average of this estimate was \$2500, which I believe to be a reasonable estimate for this species.

Estimate: \$2500

11. Chinese Alligator (*Alligator sinensis*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$500 to \$5,000, with an average of \$1750. I believe this average is a reasonable value for this species.

Estimate: \$1750

12. False Gavia (*Tomistoma schlegelii*): 16 pricelists were found to offer this species. The overall average price was \$14375. The average excluding "unique" animals was \$6111 and involved 9 pricelists. There were no pricelists identified for the period between January 1996 and August 1998. The range of prices identified via interviews with zoo personnel and reptile traders was \$2,500 to \$10,000, with an average of \$5917. Based on this information, I believe a reasonable value for this species to be \$6,000.

Estimate: \$6000

13. Common Caiman (*Caiman crocodylus*): 19 pricelists were found to offer this species. The overall average price was \$63. There were no "unique" animals among the pricelists. The average for the period between January 1996 and August 1998 involved 9 pricelists and was \$81.

Estimate: \$80

14. Frilled Lizard (*Chlamydosaurus kingii*): 38 pricelists were found to offer this species. The overall average price was \$883. There were no "unique" animals found on the pricelists. The average offered between January 1996 and August 1998 included 13 pricelists and was \$549.

Estimate: \$550

15. Komodo Dragon (*Varanus komodoensis*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$10,000 to \$75,000, with an average of \$34,166. Based on the information collected, I believe a reasonable value for this species to be approximately \$35,000.

Estimate: \$35,000

16. Bengal Monitor (*Varanus bengalensis*): 8 pricelists were found to offer this species. The overall average price was \$605. The average excluding “unique” animals was \$621 and involved 6 pricelists. The average excluding “unique” animals and offered between January 1996 and August 1998 included 2 pricelists and was \$450.

Estimate: \$450

17. Desert Monitor (*Varanus griseus*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$200 to \$2000, with an average of \$856. Based on this information, and the fact that several estimates were, in my opinion, dramatic under-valuations for this species, I believe a reasonable value for this species is \$1000.

Estimate: \$1,000

18. Yellow Monitor (*Varanus flavescens*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$500 to \$1,500, with an average of \$875. I believe this to be a reasonable value for this species.

Estimate: \$875

19. Philippine Water monitor (*Varanus salvator cummingi*): 2 pricelists were found to offer this species. The overall average price was \$261. The average excluding “unique” animals was \$85 and involved 1 pricelist. There were no pricelists identified for the period between January 1996 and August 1998. The range of prices identified via interviews with zoo personnel and reptile traders was \$150 to \$800, with an average of \$475. I believe this to be a reasonable value for this species.

Estimate: \$475

20. Gray's Monitor (*Varanus olivaceus*): 1 pricelist was found to offer this species for \$1175 per pair. There were no pricelists identified for the period between January 1996 and August 1998. The range of prices identified via interviews with zoo personnel and reptile traders was \$400 to \$5,000. Discarding one value that was an extreme under-valuation for this species, the average of \$2833.

Estimate: \$2,800

21. Green Tree Monitor (*Varanus prasinus*): 31 pricelists were found to offer this species. The overall average price was \$537. The average excluding “unique” animals was \$525 and involved 29 pricelists. The average excluding “unique” animals and offered between January 1996 and August 1998 included 5 pricelists and was \$600.

Estimate: \$600

22. Fiji Banded (Eastern Green) Iguana (*Brachylophus fasciatus*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$300 to \$15,000. Discarding one extreme under-valuation for this species, the average value was \$6,000. I believe this to be a reasonable value for this species.

Estimate: \$6,000

23. Tuatara (*Sphenodon punctatus*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. All estimates assigned to this species were the same at \$10,000.

Estimate: \$10,000

24. Green Gecko (*Naultinus elegans*): Because the species is not legally found in trade, the following range was determined using interviews of zoo personnel and reptile traders. The range of values assigned to this species was \$500 to \$2000, with an average of \$1167. I believe a reasonable value for this species to be \$1200.

Estimate: \$1,200

25. Chinese Crocodile Lizard (*Shinisaurus crocodilurus*): Because this species is only rarely found in trade, we were unable to identify any pricelists containing this species. Using interviews of zoo personnel and reptile traders, the range of values assigned to this species was \$150 to \$600. In these interviews, several actual sales were identified, with prices ranging from \$350 to \$600. I believe a reasonable value for this species to be \$475.

Estimate: \$475

26. Guatemala Beaded Lizard (*Heloderma horridum charlesbogerti*): Because this species is only rarely found in trade, we were unable to identify any pricelists containing this species. Using interview of zoo personnel and reptile traders, the estimated value for this species was \$3,500. I believe this to be a reasonable value for this species.

Estimate: \$3,500

27. Rough-scaled Boa (*Eryx conicus*): 36 pricelists were found to offer this species. The overall average price was \$89. There were no "unique" animals offered. The average for animals offered between January 1996 and August 1998 involved 6 pricelists and was \$100.

Estimate: \$100

28. Timor Python (*Python timorensis*): 28 pricelists were found to offer this species. The overall average price was \$1843. The average excluding "unique" animals was \$1635 and involved 15 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 7 pricelists and was \$1243.

Estimate: \$1250

29. Boelen's Python (*Liasis boeleni*): 12 pricelists were found to offer this species. The overall average price was \$2781. The average excluding "unique" animals was \$2750 and involved 9 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 3 pricelists and was \$2917. Estimates obtained from interviews with zoo personnel and reptile dealers ranged from \$1,500 to \$7500, with an average value of \$2687. Based on this information, I believe a reasonable value for this species to be \$2,750.

Estimate: \$2,750

30. Reticulated Python (*Python reticulatus*): 166 pricelists were found to offer this species. The overall average price was \$380. The average excluding "unique" animals was \$125 and involved 119 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 17 pricelists and was \$98.

Estimate: \$100

31. Green Tree Python (*Chondropython (Morelia) viridis*): 150 pricelists were found to offer this species. The overall average price was \$1079. The average excluding "unique" animals was \$822 and involved 134 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 53 pricelists and was \$725.

Estimate: \$725

32. D'Albert's Python (*Liasis albertisii*): 64 pricelists were found to offer this species. The overall average price was \$252. The average excluding "unique" animals was \$244 and involved 42 pricelists. The average excluding "unique" animals and offered between January 1996 and August 1998 included 5 pricelists and was \$258.

Estimate: \$250

33. Western Hognosed Viper (*Porthidium ophryomegas*): One pricelist was found to offer this species, at a price of \$75. This price was between the dates of January 1996 and August 1998. Interviews with zoo personnel and reptile dealers provided an estimate of \$100. Based on this information, I believe a reasonable value for this species to be \$85.

Estimate: \$85

34. Godman's Pit Viper (*Porthidium godmani*): 5 pricelists were found to offer this species. The average price for this species was \$74. No prices were found between the dates of January 1996 and August 1998. Interviews with zoo personnel and reptile dealers provided an estimate of \$100. Based on this information, I believe a reasonable value of this species to be \$85.

Estimate: \$85

35. Green Snake (*Elaphe triaspis*): 5 pricelists were found to offer this species. The overall average price for this species was \$360. Excluding "unique" animals, the average price was \$200 and involved 2 pricelists. There were no prices found between the dates of January 1996 and August 1998. Interviews with zoo personnel and reptile dealers provided an estimate ranging from \$350 to \$400. Based on this information, I believe a reasonable value for this species to be \$250.

Estimate: \$275

36. Neotropical Rattlesnake (*Crotalus durissus durissus*): 5 pricelists were found to offer this species. The average price for this species was \$135. There were no prices found between the dates of January 1996 and August 1998. Interviews with zoo personnel and reptile dealers provided an estimate of \$100. Based on this information, I believe a reasonable value for this species to be \$125.

Estimate: \$125

37. Dwarf Burrowing Python (*Loxocemus bicolor*): 17 pricelists were found to offer this species. The overall average price was \$252. The average excluding "unique" animals was \$259 and involved 16 pricelists. The average excluding "unique" animals and found between January 1996 and August 1998 involved 2 pricelists and was \$362. Based on this information, I believe a reasonable value for this species to be \$350.

Estimate: \$350